

MEMO ENDORSED

O'Melveny

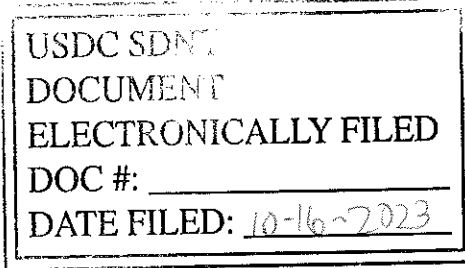
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File Number: 0903423-00392

October 2, 2023

The Honorable Louis A. Kaplan
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



Molly M. Lens
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Re: Marvel Characters, Inc. v. Ditko, No. 1:21-cv-07957-LAK – Joint Request for Extension of Deadline to Submit Pretrial Order

Dear Judge Kaplan:

We write on behalf of Plaintiff and Counterclaim-Defendant Marvel Characters Inc., on the one hand, and Defendant and Counterclaimant Patrick S. Ditko, on the other (collectively, the "Parties"), to jointly request an extension of the current deadline to submit a pretrial order in the above-referenced action. The current deadline for submission of a joint pretrial order in this matter is October 27, 2023. Dkt. 87. The Parties have each moved for summary judgment on all claims presented, Dkts. 67, 75, and their cross-motions have been fully briefed for the Court's consideration. The Court's forthcoming ruling on the Parties' cross-motions for summary judgment may obviate the need for trial or narrow the issues for trial, and, in turn, the preparation and submission of a pretrial order. Therefore, in the interest of party and judicial efficiency, the Parties respectfully request that the deadline for submission of a joint pretrial order be taken off calendar or, should the Court prefer, reset for a later date at the Court's convenience.

Respectfully submitted,

/s/ Molly M. Lens

/s/ Marc Toberoff

Molly M. Lens
Of O'Melveny & Myers LLP
for Marvel Characters Inc.

Marc Toberoff
Of Toberoff & Associates, P.C.
for Patrick S. Ditko

Pretrial order due

11/27/23

A handwritten signature in black ink, appearing to read "Marc Toberoff".

10/16/23